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I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date set forth below.

Manda J. Lawrence
(signature)

08-29-03

Date of signature and deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HUGH CHRISTOPHER)
)
Serial No. 10/643,023)
)
Express Mail Certificate No.)
EL 822714938 US)
)
For: A DRIVE SHAFT ASSEMBLY) Attorney Docket 1-73820

Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

PETITION UNDER 37 C.F.R. §1.10(d)

Honorable Sir:

1. In accordance with 37 C.F.R. §1.10(d), applicant hereby petitions that the U.S. Patent and Trademark Office change the filing date for the above-identified Patent Application from August 17, 2003 to August 14, 2003.

2. On the afternoon of August 14, 2003, a wide spread electric outage occurred throughout the Northwest and Midwest that included the Toledo, Ohio area. The power outage interrupted the service of the U.S. Postal Service (USPS). Subsequently, the U.S. Patent and Trademark Office declared the resulting interruption in the service of the USPS as a postal service interruption and an emergency.

3. At the end of the day, on August 14, 2003, the above-identified Patent Application was hand-delivered to the main U.S. Post Office in Toledo, which is located at 435 S. St. Clair Street in Toledo, Ohio. The application was

enclosed within an U.S. Express Mailing Envelope that carried an Express Mail Mailing Label Number of EL 822714938 US, as shown on the enclosed Certificate of Mailing by "Express Mail". The enclosed Certificate of Mailing by "Express Mail" was placed on the above-identified Patent Application prior to mailing by Express Mail.

4. At the post office, a postal clerk accepted the U.S. Express Mailing Envelope for deposit and stated that it would be processed upon power resumption. However, the clerk did not complete the Customer Copy of Express Mail Mailing Label No. EL 822714938 US for the U.S. Express Mailing Envelope containing the above-identified Patent Application because the package could not be weighed due to the power outage.

5. On August 15, 2003, a paralegal from the Law Office of MacMillan, Sobanski & Todd returned to the Post Office to pick up the Customer Copy of Express Mail Mailing Label No. EL 822714938 US for the U.S. Express Mailing Envelope containing the above-identified Patent Application. However, the Customer Copy of the Express Mail Mailing Label was not available for pick up. Instead, the paralegal was told that the Customer Copy would be mailed to the Law Offices of MacMillan, Sobanski & Todd.

6. On August 25, 2003, the Customer Copy of Express Mail Mailing Label No. EL 822714938 US for the U.S. Express Mailing Envelope containing the above-identified Patent Application was received at the Law Offices of MacMillan, Sobanski & Todd. Upon examination of the Customer Copy of Express Mail Mailing Label, a copy of which is enclosed, it was determined that the copy was erroneously marked by the U.S. Postal Service with a "Date In" of August 17, 2003. However, because the Customer Copy of the Express Mail Mailing Label was marked by the U.S. Postal Service with a "Date In" of August 17, 2003, the USPTO has assigned that date as a filing date for the above-identified Patent Application, as shown upon the mail room receipt card, a copy of which is enclosed, that was received from the USPTO on August 26, 2003.

7. Subsequent to receiving the incorrectly marked Customer Copy of Express Mail Mailing Label No. EL 822714938 US, the undersigned attorney interviewed USPS personnel and obtained a corroborating statement, a copy of which is enclosed, that the USPS did, indeed, receive for deposit the U.S. Express Mailing Envelope that carried an Express Mail Mailing Label Number of EL 822714938 US on August 14, 2003.

8. As further corroboration, the undersigned attorney also has enclosed a sworn Affidavit from the paralegal who delivered the U.S. Express Mailing

Envelope that carried an Express Mail Mailing Label Number of EL 822714938 US to the USPS on August 14, 2003.

9. This petition is being filed promptly after the undersigned attorney became aware that the USPTO assigned a filing date to the above-identified Patent Application that is based upon an incorrect entry by the USPS.

Respectfully submitted,



John B. Molnar
Reg. No. 31,914

Enclosures

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